IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24544 of 2004

Between:

Sadath Complex Flat Owners Association, Rep by its Vice President Syed Nayeemuddin, S/o. Late Syed Raheemuddin, aged 40 years, R/o. H.No. 16-2-668/1/14.

... PETITIONER

AND

1 The Commissioner of Police, Hyderabad, Having Office at

Basheerabagh, Hyderabad.
2 The Station House Officer, Chaderghat P.S., Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order, direction or a writ particularly in the nature of Writ of Mandamus declaring that the police has not right to delay the investigation having registered a case as the same is in violation of the provisions of Criminal Procedure Code as well as Police Manual Consequently this Hon'ble Court may be pleased to direct the SHO/investigation officer of P.S. Chaderghat to immediately take up investigation in Crime No. 572 of 2004 as per the provision of Sec 173 of C.R.P.C. thereby completing the same as soon as practicable.

Counsel for the Petitioner: MR.MOHD.MOIN AHMED QUADRI

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following ORDER:

Petitioner is an association of the owners of plots in Sadath complex, Malakpet, Hyderabad. On 05.11.2004, it submitted a complaint under Section 200 Cr.P.C alleging crimes under Sections 406, 417, 418, 420 I.P.C. etc. against the persons mentioned therein before the Court of XVI Metropolitan Magistrate, City Criminal Courts, Hyderabad. The complaint was referred to the P.S. Chaderghat, the second respondent herein. Crime No. 572 of 2004 was registered on 22.12.2004. The petitioner complains that no action has been taken thereafter and seeks appropriate directions in this regard.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

The petitioner submitted a complaint under Section 200 Cr.P.C. before the Court of XVI Metropolitan Magistrate, City Criminal Courts, Hyderabad alleging that certain persons named therein formed a society illegally and they committed certain criminal acts. The Court referred the complaint to the second respondent under Section 156(3) Cr.P.C. Crime No.572 of 2004 was registered, even according to the petitioner, on 22.12.2004. It is not as if there was undue delay on the part of the second respondent in taking further steps. At any rate, even assuming that there is any lapse on the part of the second respondent, it is not as if the petitioner is without any remedy. Inasmuch as the complaint was referred by the Court, the petitioner can always apprise the said Court of any lapse on the part of the investigating agency. In such cases, the Court does not cease to have any control after the matter is referred to the investigating agency. In case, any lapses are noticed, the Court can issue suitable directions or can have recourse to any other alternatives provided for under Sections 202

and 203 Cr.P.C.

Hence, the writ petition is disposed of leaving it open to the petitioner to approach the Court of XVI Metropolitan Magistrate, City Criminal Courts, Hyderabad, with an appropriate application. There shall be no order as to costs.

31.01.2005

ksld

To

1. XVI Metropolitan Magistrate, City Criminal Courts, Hyderabad.
2. The Commissioner of Police, Hyderabad, Having Office at Basheerabagh, Hyderabad.
3. The Station House Officer, Chaderghat P.S., Hyderabad.
4. Two C.Cs. to the Government Pleader for Home, High Court of

A.P., Hyderabad, (OUT).

5 Two C.D.Copies.